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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,023	02/09/2004	Ronald W. Gilbert	E-1673 (130105.409)	6956
36977 7590 03/07/2007 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVENUE, SUITE 5400 SEATTLE, WA 98104-7092			EXAMINER PHAM, TUAN	
			ART UNIT	PAPER NUMBER
			2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/775,023	GILBERT ET AL.	
	Examiner	Art Unit	
	TUAN A. PHAM	2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4 and 6 is/are allowed.
- 6) ☒ Claim(s) 7,10,12 and 18 is/are rejected.
- 7) ☒ Claim(s) 8-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1, 3-4, 6-10, and 12-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 7, 10, and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinrich et al. (U.S. Patent No.: 6,104,281, hereinafter, "Heinrich") in view of Barnes, JR. (Pub. No.: U.S. 2003/0220835), and further in view of Hattori (Pub. No.: U.S. 2003/0063910).

Regarding claims 7, and 13-14, Heinrich teaches a radio-frequency

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identification system for use with external device (see figure 1, RFID tag 120, external circuit 130), comprising:

- an interrogation device (read on base station) for generating radio-frequency signals and for receiving modulated radio-frequency signals (see figure 1, base station, signal 100, col.3, ln.10-67); and

- a transponder device (see RFID tag 120), comprising:

- an antenna circuit configured to receive the radio-frequency signals and to return modulated radio-frequency signals via continuous wave backscatter in response to the received radio-frequency signals (see figure 1, figure 2, antenna 110, col.3, ln.10-67, it is obvious that the RFID signal is a wave backscatter);

- a modulation circuit coupled to the antenna circuit and configured to generate the modulated radio-frequency signals in response to the received radio-frequency signals (see figure 1, figure 2, antenna 110, col.3, ln.10-67); and

- a low power CMOS microprocessor (see figure 4, logic 150) coupled to the antenna circuit and configured to receive operating power from the received radio-frequency signals and to output power from the received signals to the external device (see figure 2, col.3, ln.57-67, col.4, ln.1-19) and further configured to monitor inputs on at least one input pin (see figure 1, connection between the external device and tag 120) and to generate responsive signals to the modulation circuit for modulating the radio-frequency signals in response to an input signal received on the at least one input pin (see col.3, ln.10-67).

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It should be noticed that Heinrich fails to teach the range of 2400 MHz to 2500 MHz. However, Barnes, JR. teaches such features (see [0263]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Barnes, JR into view of Heinrich in order to communicate in a particular range frequency.

Heinrich and Barnes, in combination, fails to teach the microprocessor adapted to process analog and digital signal. However, Hattori teaches such features (see figure 5, CPU 131, D/A converter 132, [0032-0034]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hattori into view of Heinrich and Barnes, JR in order to process the analog and digital signals.

**Regarding claim 10**, Heinrich further teaches the at least one input pin is configured to be coupled to an external device for receiving input signals to be processed by the micro processing circuit (see figure 1, connection between RFID tag 120 and external circuit 130).

**Regarding claims 12, and 17**, Heinrich further teaches the electrical energy storage device is configured to receive and store electrical energy from the received radio-frequency signals (see figure 2, power block 141).

**Regarding claim 15**, Heinrich further teaches the processing means is configured to generate at least one output signal to at least one output pin in response to the received radio-frequency signals (see figure 1, input/output from logic 150).

**Regarding claim 16**, Heinrich further teaches the at least one input pin and the at least one output pin are adapted for connection to at least one external device (see figure 1, connection between RFID tag 120 and external circuit 130).

**Regarding claim 18** Heinrich further teaches the storing means is configured to store electrical energy extracted from the received radio-frequency signal (see col.3, ln.55-67).

***Allowable Subject Matter***

4. Claims 1, 3-4, and 6 allowed.
5. Claims 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618  
March 2, 2007  
Examiner

Tuan Pham

Supervisory Patent Examiner  
Technology Center 2600

Matthew Anderson